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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,  
JEREMY DAVIS, CHRISTOPHER  
CASTILLO, and MONIQUE TRUJILLO  
individually and on behalf of all similarly  
situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

Case No.: 4:20-cv-03664-YGR-SVK

**DECLARATION OF MARK MAO IN  
OPPOSITION TO GOOGLE'S MOTION  
TO STRIKE (DKT. 733)**

Judge: Hon. Susan van Keulen

**DECLARATION OF MARK MAO**

1  
2 1. I am a partner with the law firm of Boies Schiller Flexner LLP, counsel for Plaintiffs  
3 in this matter. I am an attorney at law duly licensed to practice before all courts of the State of  
4 California. I have personal knowledge of the matters set forth herein and am competent to testify.

5 2. I submit this declaration with Plaintiffs' opposition to Google's motion to strike  
6 (Dkt. 733).

7 3. On July 21, 2022, Google produced the Document at issue here, with redactions.

8 4. On August 3, 2022, Plaintiffs sent counsel for Google an email identifying  
9 examples of recently produced documents that Google de-privileged where Plaintiffs believe they  
10 have been prejudiced by the belated production. Plaintiffs within that email identified the  
11 Document at issue here.

12 5. Counsel for Google sent Plaintiffs a clawback notice on August 26, seeking to claw  
13 back the Document in its entirety. Plaintiffs that weekend (on August 28) sent counsel for Google  
14 an email providing their position and seeking to meet and confer.

15 6. Plaintiffs isolated the Document and are now unable to access it. Plaintiffs wrote  
16 their opposition brief without re-reviewing the Document.

17 7. After a meet and confer on August 29, Plaintiffs proposed that Google submit the  
18 Document for *in camera* review, and promised that Plaintiffs would revise any filing that referred  
19 to portions of the Document the Court found to be privileged. To facilitate that process, Plaintiffs  
20 asked that Google provide a privilege log entry for each individual email within the Document.  
21 Plaintiffs also asked Google to provide additional information about the nature of the  
22 communications, including the author of each email within the thread, and Plaintiffs promised not  
23 to use Google's provision of additional information as a basis for arguing that Google waived any  
24 privilege. Plaintiffs sent this proposal on August 30, but Google did not respond until 10:30 p.m.  
25 PT on September 2. Google declined to provide any of the requested information and instead  
26 informed Plaintiffs that it would be filing a motion to strike, which it filed within the hour.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 14th day of September, 2022, at San Francisco, California.

/s/ Mark Mao